

103D CONGRESS  
1ST SESSION

# S. 20

## AN ACT

To provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

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To provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Government Perform-  
5       ance and Results Act of 1993”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) waste and inefficiency in Federal programs  
4 undermine the confidence of the American people in  
5 the Government and reduces the Federal Govern-  
6 ment's ability to address adequately vital public  
7 needs;

8 (2) Federal managers are seriously disadvan-  
9 tagged in their efforts to improve program efficiency  
10 and effectiveness, because of insufficient articulation  
11 of program goals and inadequate information on  
12 program performance; and

13 (3) congressional policymaking, spending deci-  
14 sions and program oversight are seriously handi-  
15 capped by insufficient attention to program perform-  
16 ance and results.

17 (b) PURPOSES.—The purposes of this Act are to—

18 (1) improve the confidence of the American peo-  
19 ple in the capability of the Federal Government, by  
20 systematically holding Federal agencies accountable  
21 for achieving program results;

22 (2) initiate program performance reform with a  
23 series of pilot projects in setting program goals,  
24 measuring program performance against those goals,  
25 and reporting publicly on their progress;

1           (3) improve Federal program effectiveness and  
2           public accountability by promoting a new focus on  
3           results, service quality, and customer satisfaction;

4           (4) help Federal managers improve service de-  
5           livery, by requiring that they plan for meeting pro-  
6           gram objectives and by providing them with informa-  
7           tion about program results and service quality;

8           (5) improve congressional decisionmaking by  
9           providing more objective information on achieving  
10          statutory objectives, and on the relative effectiveness  
11          and efficiency of Federal programs and spending;  
12          and

13          (6) improve internal management of the Fed-  
14          eral Government.

15 **SEC. 3. STRATEGIC PLANNING.**

16          Chapter 3 of title 5, United States Code, is amended  
17          by adding after section 305 the following new section:

18 **“§ 306. Strategic plans**

19          “(a) No later than September 30, 1997, the head of  
20          each agency shall submit to the Director of the Office of  
21          Management and Budget and to the Congress a strategic  
22          plan for program activities. Such plan shall contain—

23                  “(1) a comprehensive mission statement cover-  
24                  ing the major functions and operations of the agen-  
25                  cy;

1           “(2) general goals and objectives, including out-  
2       come-related goals and objectives, for the major  
3       functions and operations of the agency;

4           “(3) a description of how the goals and objec-  
5       tives are to be achieved, including a description of  
6       the operational processes, skills and technology, and  
7       the human, capital, information, and other resources  
8       required to meet those goals and objectives;

9           “(4) a description of how the performance goals  
10      included in the plan required by section 1115(a) of  
11      title 31 shall be related to the general goals and ob-  
12      jectives in the strategic plan;

13          “(5) an identification of those key factors exter-  
14      nal to the agency and beyond its control that could  
15      significantly affect the achievement of the general  
16      goals and objectives; and

17          “(6) a description of the program evaluations  
18      used in establishing or revising general goals and ob-  
19      jectives, with a schedule for future program evalua-  
20      tions.

21          “(b) The strategic plan shall cover a period of not  
22      less than five years forward from the fiscal year in which  
23      it is submitted, and shall be updated and revised at least  
24      every three years.

1       “(c) The performance plan required by section 1115  
2 of title 31 shall be consistent with the agency’s strategic  
3 plan. A performance plan may not be submitted for a fis-  
4 cal year not covered by a current strategic plan under this  
5 section.

6       “(d) When developing a strategic plan, the agency  
7 shall consult with the Congress, and shall solicit and con-  
8 sider the views and suggestions of those entities poten-  
9 tially affected by or interested in such a plan.

10       “(e) The functions and activities of this section shall  
11 be considered to be inherently Governmental functions.  
12 The drafting of strategic plans under this section shall be  
13 performed only by Federal employees.

14       “(f) For purposes of this section the term ‘agency’  
15 means an Executive agency defined under section 105, but  
16 does not include the Central Intelligence Agency, the Gen-  
17 eral Accounting Office, the Panama Canal Commission,  
18 the United States Postal Service, and the Postal Rate  
19 Commission.”.

20       **SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.**

21       (a) BUDGET CONTENTS AND SUBMISSION TO CON-  
22 GRESS.—Section 1105(a) of title 31, United States Code,  
23 is amended by adding at the end thereof the following new  
24 paragraph:

1 “(29) beginning with fiscal year 1999, a Fed-  
 2 eral Government performance plan for the overall  
 3 budget as provided for under section 1115.”.

4 (b) PERFORMANCE PLANS AND REPORTS.—Chapter  
 5 11 of title 31, United States Code, is amended by adding  
 6 after section 1114 the following new sections:

7 **“§ 1115. Performance plans**

8 “(a) In carrying out the provisions of section  
 9 1105(a)(29), the Director of the Office of Management  
 10 and Budget shall require each agency to prepare an an-  
 11 nual performance plan covering each program activity set  
 12 forth in the budget of such agency. Such plan shall—

13 “(1) establish performance goals to define the  
 14 level of performance to be achieved by a program ac-  
 15 tivity;

16 “(2) express such goals in an objective, quan-  
 17 tifiable, and measurable form unless authorized to  
 18 be in an alternative form under subsection (b);

19 “(3) briefly describe the operational processes,  
 20 skills and technology, and the human, capital, infor-  
 21 mation, or other resources required to meet the per-  
 22 formance goals;

23 “(4) establish performance indicators to be used  
 24 in measuring or assessing the relevant outputs, serv-  
 25 ice levels, and outcomes of each program activity;

1           “(5) provide a basis for comparing actual pro-  
2           gram results with the established performance goals;  
3           and

4           “(6) describe the means to be used to verify  
5           and validate measured values.

6           “(b) If an agency, in consultation with the Director  
7           of the Office of Management and Budget, determines that  
8           it is not feasible to express the performance goals for a  
9           particular program activity in an objective, quantifiable,  
10          and measurable form, the Director of the Office of Man-  
11          agement and Budget may authorize an alternative form.  
12          Such alternative form shall—

13               “(1) include separate descriptive statements  
14          of—

15                       “(A)(i) a minimally effective program, and

16                       “(ii) a successful program, or

17                       “(B) such alternative as authorized by the  
18          Director of the Office of Management and  
19          Budget,

20          with sufficient precision and in such terms that  
21          would allow for an accurate, independent determina-  
22          tion of whether the program activity’s performance  
23          meets the criteria of the description; or



1           “(2) state why it is infeasible or impractical to  
2       express a performance goal in any form for the pro-  
3       gram activity.

4           “(c) For the purpose of complying with this section,  
5       an agency may aggregate, disaggregate, or consolidate  
6       program activities, except that any aggregation or consoli-  
7       dation may not omit or minimize the significance of any  
8       program activity constituting a major function or oper-  
9       ation for the agency.

10          “(d) An agency may submit with its annual perform-  
11       ance plan an appendix covering any portion of the plan  
12       that—

13               “(1) is specifically authorized under criteria es-  
14       tablished by an Executive order to be kept secret in  
15       the interest of national defense or foreign policy; and

16               “(2) is properly classified pursuant to such Ex-  
17       ecutive order.

18          “(e) The functions and activities of this section shall  
19       be considered to be inherently Governmental functions.  
20       The drafting of performance plans under this section shall  
21       be performed only by Federal employees.

22          “(f) For purposes of this section and sections 1116  
23       through 1119, and sections 9703 and 9704 the term—

24               “(1) ‘agency’ has the same meaning as such  
25       term is defined under section 306(f) of title 5;

1           “(2) ‘outcome measure’ means an assessment of  
2           the results of a program activity compared to its in-  
3           tended purpose;

4           “(3) ‘output measure’ means the tabulation,  
5           calculation, or recording of activity or effort and can  
6           be expressed in a quantitative or qualitative manner;

7           “(4) ‘performance goal’ means a target level of  
8           performance expressed as a tangible, measurable ob-  
9           jective, against which actual achievement can be  
10          compared, including a goal expressed as a quan-  
11          titative standard, value, or rate;

12          “(5) ‘performance indicator’ means a particular  
13          value or characteristic used to measure output or  
14          outcome;

15          “(6) ‘program activity’ means a specific activity  
16          or project as listed in the program and financing  
17          schedules of the annual budget of the United States  
18          Government; and

19          “(7) ‘program evaluation’ means an assessment,  
20          through objective measurement and systematic anal-  
21          ysis, of the manner and extent to which Federal pro-  
22          grams achieve intended objectives.

23   **“§ 1116. Program performance reports**

24          “(a) No later than March 31, 2000, and no later than  
25          March 31 of each year thereafter, the head of each agency

1 shall prepare and submit to the President and the Con-  
2 gress, a report on program performance for the previous  
3 fiscal year.

4 “(b)(1) Each program performance report shall set  
5 forth the performance indicators established in the agency  
6 performance plan under section 1115, along with the ac-  
7 tual program performance achieved compared with the  
8 performance goals expressed in the plan for that fiscal  
9 year.

10 “(2) If performance goals are specified in an alter-  
11 native form under section 1115(b), the results of such pro-  
12 gram shall be described in relation to such specifications,  
13 including whether the performance failed to meet the cri-  
14 teria of a minimally effective or successful program.

15 “(c) The report for fiscal year 2000 shall include ac-  
16 tual results for the preceding fiscal year, the report for  
17 fiscal year 2001 shall include actual results for the two  
18 preceding fiscal years, and the report for fiscal year 2002  
19 and all subsequent reports shall include actual results for  
20 the three preceding fiscal years.

21 “(d) Each report shall—

22 “(1) review the success of achieving the per-  
23 formance goals of the fiscal year;

24 “(2) evaluate the performance plan for the cur-  
25 rent fiscal year relative to the performance achieved

1 toward the performance goals in the fiscal year cov-  
2 ered by the report;

3 “(3) explain and describe, where a performance  
4 goal has not been met (including when a program  
5 activity’s performance is determined not to have met  
6 the criteria of a successful program activity under  
7 section 1115(b)(1)(A)(ii) or a corresponding level of  
8 achievement if another alternative form is used)—

9 “(A) why the goal was not met;

10 “(B) those plans and schedules for achiev-  
11 ing the established performance goal; and

12 “(C) if the performance goal is impractical  
13 or infeasible, why that is the case and what ac-  
14 tion is recommended;

15 “(4) describe the use and assess the effective-  
16 ness in achieving performance goals of any waiver  
17 under section 9703 of this title; and

18 “(5) include the summary findings of those pro-  
19 gram evaluations completed during the fiscal year  
20 covered by the report.

21 “(e) An agency head may include all program per-  
22 formance information required annually under this section  
23 in an annual financial statement required under section  
24 3515 if any such statement is submitted to the Congress  
25 no later than March 31 of the applicable fiscal year.

1 “(f) The functions and activities of this section shall  
2 be considered to be inherently Governmental functions.  
3 The drafting of program performance reports under this  
4 section shall be performed only by Federal employees.

5 **“§ 1117. Exemption**

6 “The Director of the Office of Management and  
7 Budget may exempt from the requirements of sections  
8 1115 and 1116 of this title and section 306 of title 5,  
9 any agency with annual outlays of \$20,000,000 or less.”.

10 **SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**

11 (a) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-  
12 ITY.—Chapter 97 of title 31, United States Code, is  
13 amended by adding after section 9702, the following new  
14 section:

15 **“§ 9703. Managerial accountability and flexibility**

16 “(a) Beginning with fiscal year 1999, the perform-  
17 ance plans required under section 1115 may include pro-  
18 posals to waive administrative procedural requirements  
19 and controls, including specification of personnel staffing  
20 levels, limitations on compensation or remuneration, and  
21 prohibitions or restrictions on funding transfers among  
22 budget object classification 20 and subclassifications 11,  
23 12, 31, and 32 of each annual budget submitted under  
24 section 1105, in return for specific individual or organiza-  
25 tion accountability to achieve a performance goal. In pre-

1   paring and submitting the performance plan under section  
2   1105(a)(29), the Director of the Office of Management  
3   and Budget shall review and may approve any proposed  
4   waivers. A waiver shall take effect at the beginning of the  
5   fiscal year for which the waiver is approved.

6       “(b) Any such proposal under subsection (a) shall de-  
7   scribe the anticipated effects on performance resulting  
8   from greater managerial or organizational flexibility, dis-  
9   cretion, and authority, and shall quantify the expected im-  
10   provements in performance resulting from any waiver. The  
11   expected improvements shall be compared to current ac-  
12   tual performance, and to the projected level of perform-  
13   ance that would be achieved independent of any waiver.

14       “(c) Any proposal waiving limitations on compensa-  
15   tion or remuneration shall precisely express the monetary  
16   change in compensation or remuneration amounts, such  
17   as bonuses or awards, that shall result from meeting, ex-  
18   ceeding, or failing to meet performance goals.

19       “(d) Any proposed waiver of procedural requirements  
20   or controls imposed by an agency (other than the propos-  
21   ing agency or the Office of Management and Budget) may  
22   not be included in a performance plan unless it is endorsed  
23   by the agency that established the requirement, and the  
24   endorsement included in the proposing agency’s perform-  
25   ance plan.

1       “(e) A waiver shall be in effect for one or two years  
2 as specified by the Director of the Office of Management  
3 and Budget in approving the waiver. A waiver may be re-  
4 newed for a subsequent year. After a waiver has been in  
5 effect for three consecutive years, the performance plan  
6 prepared under section 1115 may propose that a waiver,  
7 other than a waiver of limitations on compensation or re-  
8 muneration, be made permanent.

9       “(f) For purposes of this section, the definitions  
10 under section 1115(f) shall apply.”.

11 **SEC. 6. PILOT PROJECTS.**

12       (a) PERFORMANCE PLANS AND REPORTS.—Chapter  
13 11 of title 31, United States Code, is amended by inserting  
14 after section 1117 (as added by section 4 of this Act) the  
15 following new section:

16 **“§ 1118. Pilot projects for performance goals**

17       “(a) The Director of the Office of Management and  
18 Budget, after consultation with the head of each agency,  
19 shall designate not less than ten agencies as pilot projects  
20 in performance measurement for fiscal years 1994, 1995,  
21 and 1996. The selected agencies shall reflect a representa-  
22 tive range of Government functions and capabilities in  
23 measuring and reporting program performance.

24       “(b) Pilot projects in the designated agencies shall  
25 undertake the preparation of performance plans under

1 section 1115, and program performance reports under sec-  
2 tion 1116, other than section 1116(c), for one or more  
3 of the major functions and operations of the agency. A  
4 strategic plan shall be used when preparing agency per-  
5 formance plans during one or more years of the pilot pe-  
6 riod.

7 “(c) No later than May 1, 1997, the Director of the  
8 Office of Management and Budget shall submit a report  
9 to the President and to the Congress which shall—

10 “(1) assess the benefits, costs, and usefulness  
11 of the plans and reports prepared by the pilot agen-  
12 cies in meeting the purposes of the Government Per-  
13 formance and Results Act of 1993;

14 “(2) identify any significant difficulties experi-  
15 enced by the pilot agencies in preparing plans and  
16 reports; and

17 “(3) set forth any recommended changes in the  
18 requirements of the provisions of Government Per-  
19 formance and Results Act of 1993, section 306 of  
20 title 5, sections 1105, 1115, 1116, 1117, 1119 and  
21 9703 of this title, and this section.”.

22 (b) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-  
23 ITY.—Chapter 97 of title 31, United States Code, is  
24 amended by inserting after section 9703 (as added by sec-  
25 tion 5 of this Act) the following new section:



1   **“§ 9704. Pilot projects for managerial accountability**  
2                   **and flexibility**

3           “(a) The Director of the Office of Management and  
4 Budget shall designate not less than five agencies as pilot  
5 projects in managerial accountability and flexibility for fis-  
6 cal years 1995 and 1996. Such agencies shall be selected  
7 from those designated as pilot projects under section 1118  
8 and shall reflect a representative range of Government  
9 functions and capabilities in measuring and reporting pro-  
10 gram performance.

11          “(b) Pilot projects in the designated agencies shall  
12 include proposed waivers in accordance with section 9703  
13 for one or more of the major functions and operations of  
14 the agency.

15          “(c) The Director of the Office of Management and  
16 Budget shall include in the report to the President and  
17 to the Congress required under section 1118(c)—

18               “(1) an assessment of the benefits, costs, and  
19 usefulness of increasing managerial and organiza-  
20 tional flexibility, discretion, and authority in ex-  
21 change for improved performance through a waiver;  
22 and

23               “(2) an identification of any significant difficul-  
24 ties experienced by the pilot agencies in preparing  
25 proposed waivers.

1 “(d) For purposes of this section the definitions  
2 under section 1115(f) shall apply.”.

3 (c) PERFORMANCE BUDGETING.—Chapter 11 of title  
4 31, United States Code, is amended by inserting after sec-  
5 tion 1118 (as added by section 6 of this Act) the following  
6 new section:

7 **“§ 1119. Pilot projects for performance budgeting**

8 “(a) The Director of the Office of Management and  
9 Budget, after consultation with the head of each agency  
10 shall designate not less than five agencies as pilot projects  
11 in performance budgeting for fiscal years 1998 and 1999.  
12 At least three of the agencies shall be selected from those  
13 designated as pilot projects under section 1118, and shall  
14 also reflect a representative range of Government func-  
15 tions and capabilities in measuring and reporting program  
16 performance.

17 “(b) Pilot projects in the designated agencies shall  
18 cover the preparation of performance budgets. Such budg-  
19 ets shall present, for one or more of the major functions  
20 and operations of the agency, the varying levels of per-  
21 formance, including outcome-related performance, that  
22 would result from different budgeted amounts.

23 “(c) The Director of the Office of Management and  
24 Budget shall include, as an alternative budget presen-  
25 tation in the budget submitted under section 1105 for fis-

1 cal year 1999, the performance budgets of the designated  
2 agencies for this fiscal year.

3 “(d) No later than March 31, 2001, the Director of  
4 the Office of Management and Budget shall transmit a  
5 report to the President and to the Congress on the per-  
6 formance budgeting pilot projects which shall—

7 “(1) assess the feasibility and advisability of in-  
8 cluding a performance budget as part of the annual  
9 budget submitted under section 1105;

10 “(2) describe any difficulties encountered by the  
11 pilot agencies in preparing a performance budget;

12 “(3) recommend whether legislation requiring  
13 performance budgets should be proposed and the  
14 general provisions of any legislation; and

15 “(4) set forth any recommended changes in the  
16 other requirements of the Government Performance  
17 and Results Act of 1993, section 306 of title 5, sec-  
18 tions 1105, 1115, 1116, 1117, and 9703 of this  
19 title, and this section.

20 “(e) After receipt of the report required under sub-  
21 section (d), the Congress may specify that a performance  
22 budget be submitted as part of the annual budget submit-  
23 ted under section 1105.”.

1 **SEC. 7. UNITED STATES POSTAL SERVICE.**

2 Part III of title 39, United States Code, is amended  
3 by adding at the end thereof the following new chapter:

4 **“CHAPTER 28—STRATEGIC PLANNING**  
5 **AND PERFORMANCE MANAGEMENT**

“Sec.

“2801. Definitions.

“2802. Strategic plans.

“2803. Performance plans.

“2804. Program performance reports.

“2805. Inherently Governmental functions.

6 **“§ 2801. Definitions**

7 “For purposes of this chapter the term—

8 “(1) ‘outcome measure’ refers to an assessment  
9 of the results of a program activity compared to its  
10 intended purpose;

11 “(2) ‘output measure’ refers to the tabulation,  
12 calculation, or recording of activity or effort and can  
13 be expressed in a quantitative or qualitative manner;

14 “(3) ‘performance goal’ means a target level of  
15 performance expressed as a tangible, measurable ob-  
16 jective, against which actual achievement shall be  
17 compared, including a goal expressed as a quan-  
18 titative standard, value, or rate;

19 “(4) ‘performance indicator’ refers to a particu-  
20 lar value or characteristic used to measure output or  
21 outcome;

1           “(5) ‘program activity’ means a specific activity  
2       related to the mission of the Postal Service; and

3           “(6) ‘program evaluation’ means an assessment,  
4       through objective measurement and systematic anal-  
5       ysis, of the manner and extent to which Postal Serv-  
6       ice programs achieve intended objectives.

7   **“§ 2802. Strategic plans**

8       “(a) No later than September 30, 1997, the Postal  
9       Service shall submit to the President and the Congress  
10      a strategic plan for its program activities. Such plan shall  
11      contain—

12           “(1) a comprehensive mission statement cover-  
13      ing the major functions and operations of the Postal  
14      Service;

15           “(2) general goals and objectives, including out-  
16      come-related goals and objectives, for the major  
17      functions and operations of the Postal Service;

18           “(3) a description of how the goals and objec-  
19      tives are to be achieved, including a description of  
20      the operational processes, skills and technology, and  
21      the human, capital, information, and other resources  
22      required to meet those goals and objectives;

23           “(4) a description of how the performance goals  
24      included in the plan required under section 2803

1 shall be related to the general goals and objectives  
2 in the strategic plan;

3 “(5) an identification of those key factors exter-  
4 nal to the Postal Service and beyond its control that  
5 could significantly affect the achievement of the gen-  
6 eral goals and objectives; and

7 “(6) a description of the program evaluations  
8 used in establishing or revising general goals and ob-  
9 jectives, with a schedule for future program evalua-  
10 tions.

11 “(b) The strategic plan shall cover a period of not  
12 less than five years forward from the fiscal year in which  
13 it is submitted, and shall be updated and revised at least  
14 every three years.

15 “(c) The performance plan required under section  
16 2803 shall be consistent with the Postal Service’s strategic  
17 plan. A performance plan may not be submitted for a fis-  
18 cal year not covered by a current strategic plan under this  
19 section.

20 “(d) When developing a strategic plan, the Postal  
21 Service shall solicit and consider the views and suggestions  
22 of those entities potentially affected by or interested in  
23 such a plan, and shall advise the Congress of the contents  
24 of the plan.

1   **“§ 2803. Performance plans**

2           “(a) The Postal Service shall prepare an annual per-  
3   formance plan covering each program activity set forth in  
4   the Postal Service budget, which shall be included in the  
5   comprehensive statement presented under section 2401(g)  
6   of this title. Such plan shall—

7           “(1) establish performance goals to define the  
8       level of performance to be achieved by a program  
9       activity;

10          “(2) express such goals in an objective, quan-  
11       tifiable, and measurable form unless an alternative  
12       form is used under subsection (b);

13          “(3) briefly describe the operational processes,  
14       skills and technology, and the human, capital, infor-  
15       mation, or other resources required to meet the per-  
16       formance goals;

17          “(4) establish performance indicators to be used  
18       in measuring or assessing the relevant outputs, serv-  
19       ice levels, and outcomes of each program activity;

20          “(5) provide a basis for comparing actual pro-  
21       gram results with the established performance goals;  
22       and

23          “(6) describe the means to be used to verify  
24       and validate measured values.

25          “(b) If the Postal Service determines that it is not  
26       feasible to express the performance goals for a particular

1 program activity in an objective, quantifiable, and measur-  
2 able form, the Postal Service may use an alternative form.

3 Such alternative form shall—

4 “(1) include separate descriptive statements  
5 of—

6 “(A) a minimally effective program, and

7 “(B) a successful program,

8 with sufficient precision and in such terms that  
9 would allow for an accurate, independent determina-  
10 tion of whether the program activity’s performance  
11 meets the criteria of either description; or

12 “(2) state why it is infeasible or impractical to  
13 express a performance goal in any form for the pro-  
14 gram activity.

15 “(c) In preparing a comprehensive and informative  
16 plan under this section, the Postal Service may aggregate,  
17 disaggregate, or consolidate program activities, except  
18 that any aggregation or consolidation may not omit or  
19 minimize the significance of any program activity con-  
20 stituting a major function or operation.

21 “(d) The Postal Service may prepare a non-public  
22 annex to its plan covering program activities or parts of  
23 program activities relating to—

24 “(1) the avoidance of interference with criminal  
25 prosecution; or



1           “(2) matters otherwise exempt from public dis-  
2           closure under section 410(c) of this title.

3   **“§ 2804. Program performance reports**

4           “(a) The Postal Service shall prepare a report on pro-  
5   gram performance for each fiscal year, which shall be in-  
6   cluded in the annual comprehensive statement presented  
7   under section 2401(g) of this title.

8           “(b)(1) The program performance report shall set  
9   forth the performance indicators established in the Postal  
10   Service performance plan, along with the actual program  
11   performance achieved compared with the performance  
12   goals expressed in the plan for that fiscal year.

13          “(2) If performance goals are specified by descriptive  
14   statements of a minimally effective program activity and  
15   a successful program activity, the results of such program  
16   shall be described in relationship to those categories, in-  
17   cluding whether the performance failed to meet the cri-  
18   teria of either category.

19          “(c) The report for fiscal year 2000 shall include ac-  
20   tual results for the preceding fiscal year, the report for  
21   fiscal year 2001 shall include actual results for the two  
22   preceding fiscal years, and the report for fiscal year 2002  
23   and all subsequent reports shall include actual results for  
24   the three preceding fiscal years.

25          “(d) Each report shall—

1 “(1) review the success of achieving the per-  
2 formance goals of the fiscal year;

3 “(2) evaluate the performance plan for the cur-  
4 rent fiscal year relative to the performance achieved  
5 towards the performance goals in the fiscal year cov-  
6 ered by the report;

7 “(3) explain and describe, where a performance  
8 goal has not been met (including when a program  
9 activity’s performance is determined not to have met  
10 the criteria of a successful program activity under  
11 section 2803(b)(2))—

12 “(A) why the goal was not met;

13 “(B) those plans and schedules for achiev-  
14 ing the established performance goal; and

15 “(C) if the performance goal is impractical  
16 or infeasible, why that is the case and what ac-  
17 tion is recommended; and

18 “(4) include the summary findings of those pro-  
19 gram evaluations completed during the fiscal year  
20 covered by the report.

21 **“§ 2805. Inherently Governmental functions**

22 “The functions and activities of this chapter shall be  
23 considered to be inherently Governmental functions. The  
24 drafting of strategic plans, performance plans, and pro-

1 gram performance reports under this section shall be per-  
2 formed only by employees of the Postal Service.”.

3 **SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

4 (a) IN GENERAL.—Nothing in this Act shall be con-  
5 strued as limiting the ability of Congress to establish,  
6 amend, suspend, or annul a performance goal. Any such  
7 action shall have the effect of superseding that goal in the  
8 plan submitted under section 1105(a)(29) of title 31,  
9 United States Code.

10 (b) GAO REPORT.—No later than June 1, 1997, the  
11 Comptroller General of the United States shall report to  
12 Congress on the implementation of this Act, including the  
13 prospects for compliance by Federal agencies beyond those  
14 participating as pilot projects under sections 1118 and  
15 9704 of title 31, United States Code.

16 **SEC. 9. TRAINING.**

17 The Office of Personnel Management shall, in con-  
18 sultation with the Director of the Office of Management  
19 and Budget and the Comptroller General of the United  
20 States, develop a strategic planning and performance  
21 measurement training component for its management  
22 training program and otherwise provide managers with an  
23 orientation on the development and use of strategic plan-  
24 ning and program performance measurement.

1 **SEC. 10. APPLICATION OF ACT.**

2 No provision or amendment made by this Act may  
3 be construed as—

4 (1) creating any right, privilege, benefit, or en-  
5 titlement for any person who is not an officer or em-  
6 ployee of the United States acting in such capacity,  
7 and no person who is not an officer or employee of  
8 the United States acting in such capacity shall have  
9 standing to file any civil action in a court of the  
10 United States to enforce any provision or amend-  
11 ment made by this Act; or

12 (2) superseding any statutory requirement, in-  
13 cluding any requirement under section 553 of title 5,  
14 United States Code.

15 **SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.**

16 (a) AMENDMENT TO TITLE 5, UNITED STATES  
17 CODE.—The table of sections for chapter 3 of title 5,  
18 United States Code, is amended by adding after the item  
19 relating to section 305 the following:

“306. Strategic plans.”.

20 (b) AMENDMENTS TO TITLE 31, UNITED STATES  
21 CODE.—

22 (1) AMENDMENT TO CHAPTER 11.—The table  
23 of sections for chapter 11 of title 31, United States  
24 Code, is amended by adding after the item relating  
25 to section 1114 the following:

“1115. Performance plans.  
 “1116. Program performance reports.  
 “1117. Exemptions.  
 “1118. Pilot projects for performance goals.  
 “1119. Pilot projects for performance budgeting.”.

1           (2) AMENDMENT TO CHAPTER 97.—The table  
 2           of sections for chapter 97 of title 31, United States  
 3           Code, is amended by adding after the item relating  
 4           to section 9702 the following:

“9703. Managerial accountability and flexibility.  
 “9704. Pilot projects for managerial accountability and flexibility.”.

5           (c) AMENDMENT TO TITLE 39, UNITED STATES  
 6 CODE.—The table of chapters for part III of title 39,  
 7 United States Code, is amended by adding at the end  
 8 thereof the following new item:

**“28. Strategic planning and performance management ..... 2801”.**

Passed the Senate June 23 (legislative day, June  
 22), 1993.

Attest:

*Secretary.*

S 20 ES——2

S 20 ES——3

S 20 ES——4

S 20 ES——5